



CERTIFICATE OF MAILING
37 CFR 18(a)

I hereby certify that this correspondence is being sent by First Class Mail to The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313

Date of Deposit: June 21, 2004

By:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
Bjarne Nilsen

DOCKET NO. 2137JB.45692

SERIAL NO.: 10/625,995

EXAMINER: Unknown

FILED: 07/24/2003

GROUP ART UNIT: Unknown

TITLE: **Method of Cleaning Surfaces in Contact
with A Fluid Flow**

PETITION UNDER 37 C.F.R. 1.47

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully petitions to prosecute the above-identified patent application without the signature of inventor, Bjarne Nilsen. Applicant is enclosing a statement by Michael Newstead.

The last known address of Mr. Nilsen is Skatvedtveien 64, 3475 Saetre, Norway.

Please charge the \$130 fee and any additional fees to deposit account No. 50-0259

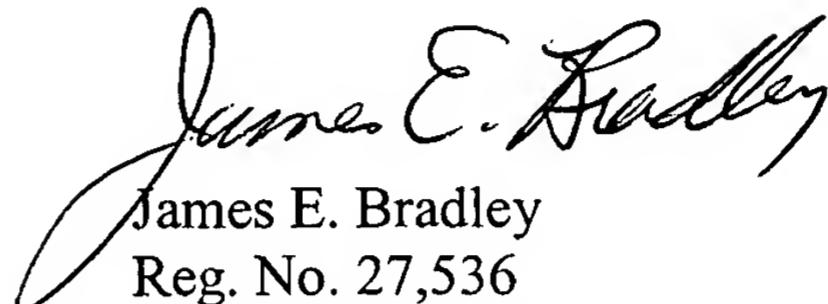
Bracewell & Patterson (2137JB.45692).

07/01/2004 GWORDOF1 00000058 500259 10625995

01 FC:1460 130.00 DA

Applicant respectfully requests favorable action.

Respectfully submitted,



James E. Bradley
Reg. No. 27,536
Attorney for Applicants

Date: June 21, 2004
BRACEWELL & PATTERSON, L.L.P.
P. O. Box 61389
Houston, Texas 77208 1389
Tel.: (713) 221-3301
Fax: (713) 222-3287



CERTIFICATE OF MAILING
37 CFR 1.8(a)

I hereby certify that this correspondence is being sent by first class mail to The Commissioner for Patents, P.O. Box 1450, A;examdroa. VA 22313

Date of Deposit: June 21, 2004 By: James E. Bradley

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
Bjarne Nilsen

DOCKET NO. 2137JB.45692

SERIAL NO.: 10/625,995

EXAMINER:
Unknown

FILED: 07/24/2003

GROUP ART UNIT: Unknown

TITLE: **Method of Cleaning Surfaces in Contact
with a Fluid Flow**

STATEMENT BY MICHAEL J. NEWSTEAD

I, Michael J. Newstead, state the following:

I am a European Patent Attorney with an office in Bristol, England.

I represent ABB Offshore Systems Limited ("ABB") in patent matters.

ABB is the assignee of the invention of the above-identified patent application.

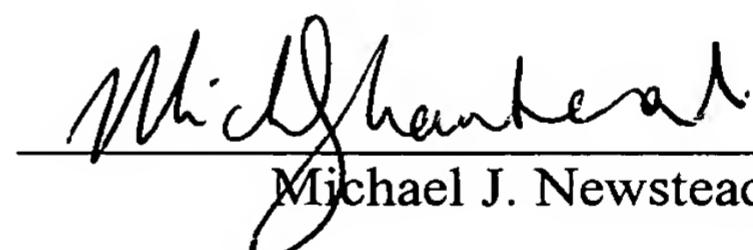
I am attaching a patent assignment agreement concerning the invention of the above-identified patent application. In that agreement, a Norwegian company called Com-El AS assigned the invention to ABB. The inventor Bjarne Nilsen was an employee of Com-El AS and signed the document on behalf of Com-El AS.

Subsequently, ABB filed a British patent application for the invention, 0217255.9, filed July 24, 2002. ABB filed this US application July 24, 2003 and claimed priority to the British application.

I sent Mr. Nilsen a copy of the US application, a declaration and an assignment and requested Mr. Nilsen to execute the declaration and the assignment. Mr. Nilsen has refused to sign the documents without first consulting his attorney. Mr. Nilsen has indicated that he might not sign the documents even after consulting his attorney. Further Mr. Nilsen is requesting payment for the time he would spend consulting his attorney as well as payment for the fee of his attorney.

The assignment and agreement does not require ABB to make such payments, and ABB has refused to do so. I am attaching copies of all correspondence between Mr. Nilsen and me.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Sec. 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the publication or any patent issued thereon.



Michael J. Newstead

Date: 17 June 2004



PATENT ASSIGNMENT AGREEMENT

THIS ASSIGNMENT is made the day of 2002

Between **COM-EL AS**
ENGENEVEEIEN 7
PB 42
3475 SAETRE
NORWAY

(hereinafter referred to as "Com-El") of the one part

AND **ABB OFFSHORE SYSTEMS LIMITED**
2 HIGH STREET
NAILSEA
BRISTOL
BS48 1BS
UNITED KINGDOM

(hereinafter referred to as "ABBOSL") of the other part.

WHEREAS:-

A. Bjarne Nilsen, an employee of Com-El, has made an invention (hereinafter called "the said Invention") entitled:

Ozone Cleaning Windows

which he believes is unique and not patented and as such has disclosed and passed ownership of the said invention to Com-El.

B. Com-El as the owner of the said invention has agreed for a fixed price fee of 26,000 NOKS (Twenty Six Thousand NOKS) which will be paid against ABBOSL Purchase Order xxxxxxxx to disclose the said invention to ABBOSL.

C. By way of confirmation of ABBOSL's rights in respect of the said Invention and for the avoidance of doubt (if any) in respect thereof ABBOSL has requested Com-El to enter into this Deed which Com-El has agreed to do.

D. Com-El does not guarantee that this invention is not already patented elsewhere, and thus may be formally owned by another party.

NOW

In pursuance of the said agreement and in consideration of the premises

THIS DEED WITNESSES and it is hereby declared and agreed as follows:-

1. Com-El hereby assigns to ABBOSL the whole of his estate and interest in the said Invention together with the sole and exclusive benefit thereof and the right to apply for and obtain patents and other like privileges in respect thereof in all parts of the world in the name ABBOSL or of such other persons or corporation as ABBOSL may think fit and all other rights, powers, emoluments and advantages whatsoever under or in respect of the said Invention and any such patent or like privileges when obtained and all or any extension thereof.
2. Com-El hereby covenants with ABBOSL and its successors and assigns and acknowledges that:
 - 2.1 at the request and expense of ABBOSL he will make, do and execute all applications, specifications, assignments and other documents, acts, matters and things as ABBOSL or its successors or assigns or nominees may require for the purpose of applying for and obtaining patents and other like privileges in respect of the said Invention in all parts of the world in the name or names aforesaid and will assign unto ABBOSL (or as it shall direct) such rights (if any) in the said patents and like privileges as may remain vested in Com-El when the same are respectively granted together with the benefit of all extensions which may be obtained in respect thereof;
 - 2.2 the said Invention will belong to ABBOSL;
 - 2.3 ABBOSL and its successors and assigns shall be under no obligation whatsoever to prosecute any applications for patents or other like privileges in respect of the said Invention or any corresponding right anywhere in the world to grant nor, if granted thereafter, to maintain any such granted patent or the like privilege for any period of time or at all and shall be entitled to assign, license or otherwise dispose of any such application or any right granted in pursuance thereof or corresponding thereto as and on such terms as ABBOSL or its successors or assigns shall in its or their absolute discretion decide; and
 - 2.4 Com-El will keep the nature and content of the said Invention and any such application confidential and will not disclose or the same for any purpose other than the business of ABBOSL and its successors and assigns.

IN WITNESS THEREOF the Parties hereto have caused this Agreement to be signed by their duly authorised representatives.

Signed for and on behalf of
ABB Offshore Systems Limited

Name: RAY PHILLIPS

Signed for and on behalf of
Com-El As

Name: BJARNE NILSEN

Position Director of Business
Development & Technology

Date 02 - 04 - 2002

Position Manager

Date 12.3.02

Main Identity

From: "Michael Newstead"
To: <com-elas@online.no>
Sent: 08 June 2004 11:42
Subject: Papers for US patent application

URGENT

Re. US Patent Application No. 10/625,995 - "Ozone cleaning of windows"

As you are aware, we have filed this application for our client ABB Offshore Systems Ltd.

I understand you have had a problem in signing the papers you were sent to complete the filing formalities. The papers were a Declaration and Power of Attorney and an Assignment.

It is now necessary that the signed papers must be filed by 20 June 2004 and would you please let us have them back, duly signed, by **15 June 2004 at the latest**.

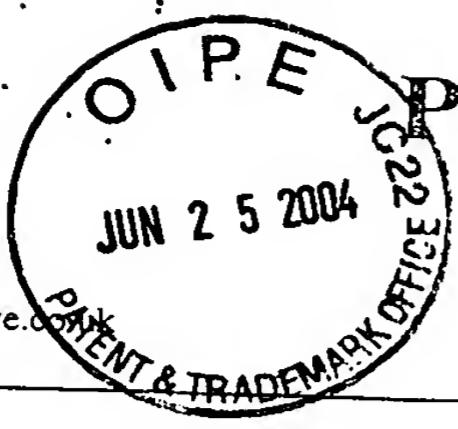
If you still have a problem or any particular concerns, please call me urgently on +44 117 9276634.

Regards

M. J. Newstead
PAGE HARGRAVE
Southgate
Whitefriars
Lewins Mead
Bristol BS1 2NT
United Kingdom

Southgate, Whitefriars
Lewins Mead
Bristol BS1 2NT

Tel: +44 (0)117 927 6634
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E-mail: bristol@pagehargrave.co.uk



PAGE HARGRAVE

Chartered Patent Attorneys
Registered Trade Mark Attorneys
European Patent & Trade Mark Attorneys
Web: www.pagehargrave.co.uk

Manfield House
1 Southampton Street
London WC2R 0LR

Tel: +44 (0)20 7240 6933
Fax: +44 (0)20 7379 0268
E-mail: london@pagehargrave.co.uk

Please reply to: Bristol Office

Mr Bjarne Nilsen
Skatvedtveien 64
3475 Saetre
Norway

Your ref:

Our Ref: MJN/FIS/67881/001

Date: 8 June 2004

Dear Mr Nilsen

Re: US Patent Application No. 10/625,995
- "Ozone cleaning of windows"

Further to my conversation with you today and my faxing you copies of the relevant papers, I enclose two forms to complete the filing formalities, each of which I would be grateful if you would sign where indicated and send back to me by return of post. The forms are a Declaration and Power of Attorney and an Assignment.

If you have any further queries please get in touch.

I look forward to hearing from you.

Yours sincerely

M J Newstead
Page Hargrave

PARTNERS: M.J. Newstead B.Sc., C.P.A., E.P.A., M.I.T.M.A. • M.A. Bull B.Sc., C.P.A., E.P.A., R.T.M.A. • G.E. Kosmin B.Sc., C.P.A., E.P.A., R.T.M.A. • M.J. Abrams M.A. (Cantab.), C.P.A., E.P.A., R.T.M.A.

R. Muir B.Sc (Eng.), C.P.A., E.P.A., R.T.M.A. • K.F. Gymer M.A. (Cantab.), M.Sc. C.P.A., E.P.A., M.I.T.M.A. ASSISTED BY: B.M.J. Muir B.Sc., M.Sc. (Intel. Prop.), E.P.A. • C.S. Macpherson B.Sc, M.Sc. (Intel. Prop.) • P. Emerson B.Sc

The address at which documents may be effectively served on the firm, and on each owner (Partner), is the Bristol address printed above.

Despatch Receipt

Your company name and address

Customer copy



BEST AVAILABLE COPY

Delivery - Postcode including full Postcode

Mr Bjarne Nilsen
Skatvedtveien 64
3475 Sætre
Norway

Comp. level £ CL

9.00am 1,000 2,500 £
Noon
Int. Tick if Required

CL level

9.00am 1,000 2,500 £
Noon
Int. Tick if Required

CL level

The International Bureau
WIPO
34 Chemin des Colombettes
CH 1211 Geneva 20
Switzerland

9.00am 1,000 2,500 £
Noon
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CL level

European Patent Office
Branch at The Hague
Receiving Section
P.B. 5818 Patentlaan 2
2280 HV RUISWIJK (ZH)
Netherlands

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Number of items

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International Signed For

No. bags/pouches
Date *08/06/04*

Sender's signature *G. Atwell* Date *08/06/04*
Accepting Officer's signature *Badger number*



FOUR

Mike Newstead

From: "Nilsen Bjarne" <com-elas@online.no>
To: "Michael Newstead" <mnewstead@pagehargrave.co.uk>
Sent: 09 June 2004 09:34
Subject: Re: Papers for US patent application

I still have problems in signing these documents.

As I see it, I will have to take responsibility for ABB's patent claim and it may cost me money and effort if someone protest on the patent, unless ABB takes all legal responsibility for this patent.

I may ask a Patent Attorney to look at it and advise me on this matter if your client ABB pays the cost. If they find out it is OK I will sign.

What about my own cost dealing with this matter? I have no ongoing business with ABB so I do not need any goodwill from them.

Regards
Bjarne Nilsen
Com-El as

From: Michael Newstead <mnewstead@pagehargrave.co.uk>
To: com-elas@online.no
Subject: Papers for US patent application
Date: 8. juni 2004 12:44

BEST AVAILABLE COPY

Attn: Bjarne Nilsen - URGENT

Re. US Patent Application No. 10/625,995 - "Ozone cleaning of windows"

As you are aware, we have filed this application for our client ABB Offshore Systems Ltd.

I understand you have had a problem in signing the papers you were sent to complete the filing formalities. The papers were a Declaration and Power of Attorney and an Assignment.

It is now necessary that the signed papers must be filed by 20 June 2004 and would you please let us have them back, duly signed, by 15 June 2004 at the latest.

If you still have a problem or any particular concerns, please call me urgently on +44 117 9276634.

Regards

M. J. Newstead
PAGE HARGRAVE
Southgate
Whitefriars
Lewins Mead
Bristol BS1 2NT
United Kingdom



Mike Newstead

From: "Nilsen Bjarne" <com-elas@online.no>
To: "Michael Newstead" <mnewstead@pagehargrave.co.uk>
Sent: 09 June 2004 13:32
Subject: Re: Papers for US patent application

I have got your fax.

Just for the record:

Would YOU sign on a legal document in a forain language with lots of references to other documents you have never heard of, stating that you may be punished and without having other legal adwisers but your opponents attorneys word that "it is ok to sign"?

I asked for covering of my expences on seeking legal advice on this matter, and in your answer I can not find that you have consulted ABB. Would that be within your agreement with ABB? I will ask my contacts in ABB how this is ursually done.

Bjarne Nilsen

From: Michael Newstead <mnewstead@pagehargrave.co.uk>
To: com-elas@online.no
Subject: Papers for US patent application
Date: 8. juni 2004 12:44

Attn: Bjarne Nilsen - URGENT

Re. US Patent Application No. 10/625,995 - "Ozone cleaning of windows"

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If you still have a problem or any particular concerns, pleaser call me urgently on +44 117 9276634.

Regards

M. J. Newstead
PAGE HARGRAVE
Southgate
Whitefriars
Lewins Mead
Bristol BS1 2NT
United Kingdom

Southgate, Whitefriars
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E-mail: bristol@pagehargrave.co.uk

PAGE HARGRAVE

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Registered Trade Mark Attorneys
European Patent & Trade Mark Attorneys
Web: www.pagehargrave.co.uk

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1 Southampton Street
London WC2R 0LR

Tel: +44 (0)20 7240 6933
Fax: +44 (0)20 7379 0268
E-mail: london@pagehargrave.co.uk

Please reply to: Bristol Office

Mr Bjarne Nilsen
Skatvedteien 64
3475 Saetre
Norway

Your ref:

Our Ref: MJN/FIS/67881/001

Date: 9 June 2004

Dear Mr Nilsen

Re: US Patent Application No. 10/625,995
- "Ozone cleaning of windows"

This is further to your e-mail dated 9 June 2004.

It is a pity that you still have problems in signing the documents. The documents are standard ones for the USA and are routinely signed without any problems by inventors on ABB cases - both where the inventors are employees of ABB or outside inventors such as yourself.

As regards responsibility for ABB's claims and what happens if someone should "protest on the patent", ABB have taken legal responsibility for the present matter. In that respect I remind you that you executed an assignment to ABB (copy enclosed).

You also say you do not need any goodwill from ABB but I draw your attention to clause 2.1 of the assignment in which you undertook to execute documents for patent application purposes at the request and expense of ABB (although, frankly, we do not see why there should be any expense to ABB having regard to the explanations and reassurances we have given you).

In view of the explanations and reassurances we have given you, we believe you should be in a position to sign the documents and return them to us. However, unless we have received them by 15 June 2004, we will adopt the alternative strategy I outlined to you of filing evidence from ourselves of the efforts we have made to try to obtain the signed documents from you, in which case the US Patent Office will allow the application to proceed without those documents.

Yours sincerely

M J Newstead
Page Hargrave

Southgate, Whitefriars
Lewins Mead
Bristol BS1 2NT

Tel: +44 (0)117 927 6634
Fax: +44 (0)117 929 8007
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Please reply to: Bristol Office

Mr Bjarne Nilsen
Skatvedtveien 64
3475 Saetre
Norway

Your ref:

Our Ref: MJN/FIS/67881/001

Date: 10 June 2004

BY FACSIMILE

Dear Mr Nilsen

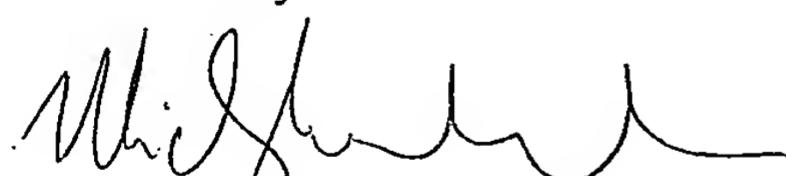
Re: US Patent Application No. 10/625,995
- “Ozone cleaning of windows”

Further to your e-mail dated 9 June 2004, I omitted to send you a copy of the assignment I referred to, but it is sent herewith.

I draw your attention to clause 2.1. Although it refers to “at the request and expense” of ABB, I have consulted the latter and they would need to have some idea of what expenses you would incur in obtaining advice to give you the assurances you seem to require. It might be best, as you suggest, to approach your own contacts within ABB.

Incidentally, although we act for ABB and not yourself, we have tried to be helpful to you and it is not fair to imply that ABB are “your opponents”.

Yours sincerely



M J Newstead
Page Hargrave

Mike Newstead

From: "Nilsen Bjarne" <com-elas@online.no>
To: "Michael Newstead" <mnewstead@pagehargrave.co.uk>
Sent: 11 June 2004 06:43
Subject: Re: Papers for US patent application

Dear Mr. Newstead

I have consulted my attorney and without having seen the documents he says that similar cases may be completed within 2 hour (2400 NKR). My internal costs may be one day (6000 NKR). If this is so stright forward as you indicate that would be a total of 8400 NKR. If this matter is more complicated I can not tell.

Have a good day

Com-El as
Bjarne Nilsen

Southgate, Whitefriars
Lewins Mead
Bristol BS1 2NT

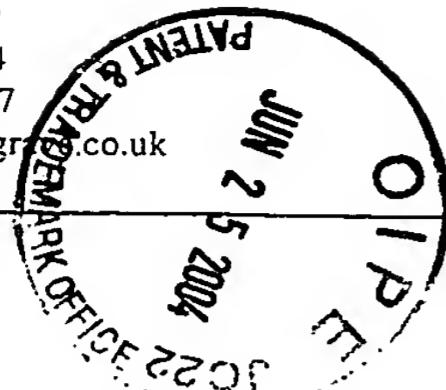
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London WC2R 0LR

Tel: +44 (0)20 7240 6933
Fax: +44 (0)20 7379 0268
E-mail: london@pagehargrave.co.uk



Please reply to: Bristol Office

Mr Bjarne Nilsen
Skatvedtveien 64
3475 Saetre
Norway

Your ref:

Our Ref: MJN/FIS/67881/001

Date: 14 June 2004

Dear Mr Nilsen

Re: US Patent Application No. 10/625,995
- "Ozone cleaning of windows"

Thank you for your e-mail dated 11 June 2004.

Despite clause 2.1 in the assignment to ABB that you signed on behalf of your firm Com-EI As, I have been informed that ABB believe the amount of 8400 NKR is unreasonable to obtain the advice you seem to need.

You are concerned about the wording of the United States Declaration and Power of Attorney form but I point out that such forms are signed routinely by inventors in connection with United States patent applications, which I understand number in excess of 100,000 per year.

If you refuse to sign the United States Declaration and Power of Attorney form unless the costs set out in your e-mail dated 11 June 2004 are agreed to, please let me know by return facsimile or e-mail.

Yours sincerely

M J Newstead
Page Hargrave

Mike Newstead

From: "Nilsen Bjarne" <com-elas@online.no>
To: <mnewstead@pagehargrave.co.uk>
Sent: 14 June 2004 13:00

Mr. Newstead

I do not think that you understand what I try to say:

To get the advice and travel costs and to cover the costs that I otherwise would earn from ongoing project I made an estimate. The answer I get may as well be that I should not sign these documents or a need for additional responsibility assurance from ABB. I know very little about US law, but i know that I am accepting some severe responsibility.

If the answer is "do not sign", wold you cover the cost of such advice?

If ABB do not want to pay for my time neighter for legal advice so that I may not be concerned of going to jail or pay a lot of money, I will ask you to stop this document flow .By focusing on this non-profit activity I am loosing money that I would otherwise earn.

Bjarne Nilsen